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WILLIAMS v. COMMONWEALTH.

June 16, 1921.

[107 S. E. 655.]

Homicide (§ 228 (1)*)—Evidence Leaving it Equally Probable Death Resulted from Natural Cause Does Not Establish Corpus Delicti.—In a prosecution for homicide, evidence that deceased died as a result of a hemorrhage on the brain, which might have resulted either from a blow struck by accident, from the excitement of the altercation with accused, from a fall from a chair, or from overeating, leaves it equally probable that the death resulted from a cause for which defendant was not responsible, as that it resulted from his act, and therefore does not establish the corpus delicti sufficiently to sustain a conviction of voluntary manslaughter.

[Ed. Note.—For other cases, see 14 Va.-W. Va. Enc. Dig. 511.]

Error to Hastings Court of Richmond.

Joseph Williams was convicted of voluntary manslaughter, and he brings error. Reversed, and new trial awarded.

L. O. Wendenburg, of Richmond, for plaintiff in error.

The Attorney General, for the Commonwealth.

HINES, Director General of Railroads, v. BURNETT.

June 16, 1921.

[107 S. E. 657.]

1. Railroads (§ 5½*)—New, vol. 6A Key-No Series—Director General Authorized to Limit Recovery for Loss of Baggage in Intrastate Transportation.—Under Federal Control Act (U. S. Comp. St. 1918, U. S. Comp. St. Ann. Supp. 1919, §§ 3115¾a-3115¾q), Director General of Railroads had authority to promulgate a baggage regulation limiting the amount of recovery where baggage was lost to \$100, where no value was declared on intrastate as well as interstate transportation.

2. Carriers (§ 405 (3)*)—Notice on Back of Check of Limitation of Liability for Loss of Baggage Held Sufficient.—A notice on the back of a check delivered to passengers, under the title "Notice to passengers," stating what was covered by the word "baggage," and that "liability for baggage is limited to wearing apparel not to exceed \$100 in value," held sufficient notice to passengers of a regulation which was promulgated, filed, and published by the Director General of Railroads under the Federal Control Act (U. S. Comp. St. Ann. Supp. 1919, §§ 3115¾a-4115¾q).

[Ed. Note.—For other cases, see 2 Va.-W. Va. Enc. Dig. 713.]

*For other cases see same topic and KEY-NUMBER in all Key-Numbered Digests and Indexes.

3. Carriers (§ 405 (1*))—Regulation Requiring Value of Baggage to Be Declared Not Unreasonable.—A regulation of the Director General of Railroads under Federal Control Act (U. S. Comp. St. Ann. Supp. 1919, §§ 3115¾-3114¾q), requiring value of baggage to be declared, and an additional sum paid where the baggage was of greater value than \$100, was not unreasonable.

[Ed. Note.—For other cases, see 2 Va.-W. Va. Enc. Dig. 713.]

Appeal from Hustings Court, Part 2, City of Richmond.

Action by one Burnett against Walker D. Hines, Director General of Railroads. Judgment for plaintiff, and defendant appeals. Corrected and affirmed.

Geo. C. Fitzhugh, of Richmond, for appellant.

Wm. B. McIlwaine, of Petersburg, and *E. P. Cox*, of Richmond, for appellee.

HARRIS, WOODSON, BARBEE CO., Inc., v.
GWATHMEY, Clerk.

June 16, 1921.

[107 S. E. 658.]

1. Sales (§ 465*)—Conditional Sale to Partnership Need Not State Names of Partners.—Though Code 1919, § 5189, requiring a conditional sale contract to be indexed in the names of both the vendor and vendee, requires that the name of the vendee shall appear in the contract, a contract for the sale of goods to a copartnership made in the firm name and indexed under that name is sufficient, though it does not state the names of the individual partners.

[Ed. Note.—For other cases, see 10 Va.-W. Va. Enc. Dig. 827.]

2. Partnership (§ 136*)—Partners May Buy Property in Firm Name.—Even though a partnership is not a distinct entity, as is a corporation, the firm property is not the joint property of the partners, but is that of the copartnership, in which the partners have only their respective interests, subject to the liability for the copartnership debts, and the copartnership has the right to buy property in the firm name.

[Ed. Note.—For other cases, see 10 Va.-W. Va. Enc. Dig. 845.]

Error to Circuit Court of City of Norfolk.

Motion by Harris, Woodson, Barbee Company, Incorporated, against G. Tayloe Gwathmey, Clerk of the Circuit Court, to recover damages for improperly docketing a reservation of title

*For other cases see same topic and KEY-NUMBER in all Key-Numbered Digests and Indexes.